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07/28/2003

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Raines-003

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7590

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EXAMINER

HAMILTON, LALITA M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/628,819  
Filing Date: July 28, 2003  
Appellant(s): RAINES, WALTER L.

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Kenneth L. Nash  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 18, 2006 appealing from the Office action mailed December 29, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on March 1, 2005 has not been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 2-4, 6-12, 15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being anticipated by Ballard in view of Cruse (2002/0010659).

Claims 13-14 were canceled by the Applicant in the amendment filed on October 5, 2005.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Ballard	US 6,032,137	February 19, 2000
Cruse	US 2002/0010659	January 24, 2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 16, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballard (6,032,137).

Ballard discloses a method and corresponding system for processing and storing receipts comprising producing a plurality of paper receipts related to said plurality of credit card transactions such that each of said plurality of paper receipts comprise machine-readable data and separately located human readable text which identify each of said plurality of credit card financial transactions, each of said plurality of paper receipts comprises and endorsement by a respective of said plurality of purchasers to

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confirm each of said plurality of credit card financial transactions, optically scanning each of said plurality of paper receipts for producing an electronic representation of each of said plurality of paper receipts including said endorsement and for reading said machine-readable data on said paper receipt such that said machine-readable data is recognized, and electronically storing said electronic representation of said paper receipt utilizing said recognized machine-readable data so as to be organized for electronic retrieval based on said machine-readable data (col.3, lines 32-67; col.5, line 32 to col.6, line 12; and col.7, lines 5-30); each of the plurality of receipts comprising machine-readable data and separately located human-readable text, said machine readable data comprises at least a credit card number, an amount of purchase, and a date of purchase, said human-readable text comprises at least said amount of purchase and said date of purchase (fig.3b and col.5, line 64 to col.6, line 28—dataglyph represents large amounts of info, including information on the receipt); machine-readable data and separately located human-readable text, said machine readable data comprises at least a credit card number, an amount of purchase, and a date of purchase, said human-readable text comprises at least said amount of purchase and said date of purchase (fig.3b and col.5, line 64 to col.6, line 28—dataglyph represents large amounts of info, including information on the receipt); printing said paper receipt with a printer operable for providing said machine-readable data on said paper receipt (col.5, line 32 to col.6, line 12); an endorsement is a signature (col.5, line 36 to col.6, line 12); and data comprises respective credit card number, date of purchase, and

amount of purchase (col.3, lines 32-67; col.5, line 32 to col.6, line 12; and col.7, lines 5-30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, 6-12, 15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard in view of Cruse (2002/0010659).

Ballard discloses the invention substantially as claimed and further discloses optically scanning and said reading to product said recognized machine readable data occur at the same location (col.5, line 50 to col.6, line 12---process occurs in the machine, which can be interpreted as the same location) and recognized machine readable data that does not comprise said human readable textual after being recognized (col.5, line 50 to col.6, line 12—data stored in system in code does not comprise human readable textual); and optically scanning and said reading to product

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said recognized machine readable data occur at the same location (col.5, line 50 to col.6, line 12---process occurs in the machine, which can be interpreted as the same location) and recognized machine readable data that does not comprise said human readable textual after being recognized (col.5, line 50 to col.6, line 12—data stored in system in code does not comprise human readable textual); however, Ballard does not disclose data comprising machine-readable bar codes or textual print by OCR, providing credit card transaction information over the internet to said plurality of purchasers with an electronic presentation of the receipt, providing a web site on the internet which provides transaction information and a viewable copy of said plurality of receipts, or a password known by purchaser. Cruse teaches a method and corresponding system for viewing receipts comprising data comprising machine-readable bar codes and textual print by OCR (p.5, 61—may use any type of scanner, including OCR), providing credit card transaction information over the internet to said plurality of purchasers with an electronic presentation of the receipt (p.5, 61), providing a web site on the internet which provides transaction information and a viewable copy of said plurality of receipts (p.5, 61), the use of many types of scanners, which may include OCR (p.5, 61), and a password known by purchaser (p.5, 61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate comprising machine-readable bar codes or textual print by OCR, providing credit card transaction information over the internet to said plurality of purchasers with an electronic presentation of the receipt, providing a web site on the internet which provides transaction information and a viewable copy of said plurality of receipts, and a password

known by purchaser, as taught by Cruse into the invention disclosed by Ballard, to provide a user with alternative means to access a copy of their paper receipt online and as an alternative type of scanner.

**(10) Response to Argument**

With regard to claim 1, the Appellant argues that the invention requires only a small amount of very specific information that must be provided in the machine-readable data, namely the purchase price, date, and credit card number. In response, the limitation of “only a small amount of very specific information that must be provided in the machine-readable data” is not present in claim 1.

The Appellant argues that the Examiner does not point to any specific portion of the cited passage that says that the dataglyphs include the information required by claims 1 and 16, namely the credit card number, amount of purchase, and the date of purchase. In response, in the final office action mailed on December 29, 2005, the Examiner stated that “Ballard discloses each of a plurality of receipts comprising machine-readable data comprises at least a credit card number, an amount of purchase, and a date of purchase (fig.3b and col.5, line 64 to col.6, line 28)”. See below.



U.S. Patent

Feb. 29, 2000

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6,032,137

XEROX DATAGLYPH

OFFICE DEPOT  
2110 BROAD HOLLOW ROAD  
FARMINGDALE, NY 11735  
516-844-0444

2.16D 9464 3305 0373 001

SALE 06/18/97 16:42

75608700053 BUSINESS PLAN PRO	89.99
MFG. LIST	\$95.00
SUBTOTAL	89.99
TX 8.225% SALES TAX	7.42
TOTAL	97.41

ACCOUNT NUMBER 999988887776666

EXPIRATION DATE 01/98

VISA 97.41

CHANGE 0.00

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OFFICE DEPOT

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FIG. 3B

The Appellant argues that Ballard does not disclose special programming required for a printer to print this information into the dataglyphs, as additionally required in the first limitation of claim 16. In response, the first limitation of claim 16 requires “a printer and programming for producing a paper receipt related to said plurality of credit card financial transactions”. On p.3 non-final office action, mailed on July 6, 2005, the Examiner stated that Ballard discloses “printing said paper receipt with a printer operable for providing said machine-readable data on said paper receipt (col.5, line 32 to col.6, line 12). Ballard discloses a DAT printer for printing images generated by the scanner.

The Appellant argues that Ballard discloses dataglyphs containing “error correction codes” and not specific transaction data, referencing col.6, lines 15-18. In response, the Examiner relied upon col.3, lines 32-67 in the non-final office action mailed on July 6, 2005, which specifically discloses that transaction data is used.

The Appellant argues that Ballard does not disclose the last limitation of claims 1 and 16 (electronically storing said electronic representation of said paper receipt utilizing said recognized machine-readable data so as to be organized for said electronic retrieval based on said machine-readable data). In response, Ballard discloses “at least one central data processing subsystem for processing, sending, and storing the electronic paper transaction data comprising a second management subsystem for managing, processing, sending, and storing of the transaction data; and at least one communication network for the transmission of the transaction data within and between said at least one data access subsystem and said at least one data

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processing system” col.3, lines 32-67, as recited on p.3 of the non-final office action mailed on July 6, 2005.

The Appellant argues that Ballard does not disclose machine-readable data including a merchant number. In response, Ballard discloses machine-readable data, including the merchant number (fig.3b and associated explanation of fig.3b in col.9, line 20 to col.10, line 40).

The Appellant argues that Cruse does not show all of the elements of claims 1 and 16. In response, Ballard was cited as disclosing all elements of claims 1 and 16 in a rejection under 35 U.S.C. 102(b).

The Appellant argues that Cruse is non-analogous art. Cruse teaches a method and corresponding system of scanning data to allow customers to view their receipts. “The portion 600 may, at least in part, enable customers of the proprietor to view their orders, receipts, parts, and other data from the proprietor’s web site. They are also able to update their scanned orders and receipts....p.5, 61). Therefore, the Examiner is interpreting Cruse in combination with Ballard as reading onto the invention substantially as claimed. Further, the Examiner is interpreting Cruse as being analogous art, and, consequently, had found motivation for combining the references.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lalita M. Hamilton/, Primary Examiner

Conferees:

/A. K./ Alexander Kalinowski

Supervisory Patent Examiner, Art Unit 3691

/H. K./

Primary Examiner, Art Unit 3691